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8 The Honorable Stanley A. Bastian

9
10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF WASHINGTON**
12 **AT SPOKANE**

12 PATRICK FLEETWOOD and
13 MICHAEL FLEETWOOD,

14 Plaintiffs,

15 vs.

16 WASHINGTON STATE
17 UNIVERSITY,

18 Defendant.

NO. 2:20-cv-00355-SAB

DECLARATION OF DEBRA
LEFING IN SUPPORT OF
DEFENDANT'S RESPONSE
IN OPPOSITION TO
PLAINTIFF'S MOTION TO
EXCLUDE

19 DEBRA LEFING makes the following declaration subject to the penalties
20 of perjury under the laws of the State of Washington:
21

22 1. I am an Assistant Attorney General representing Washington State
23 University in this case, and make this declaration in support of Defendant's
24

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26 DECLARATION OF DEBRA
LEFING IN SUPPORT OF
DEFENDANT'S RESPONSE
IN OPPOSITION TO
PLAINTIFF'S MOTION TO
EXCLUDE

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ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

1 Response in Opposition to Plaintiff's Motion to Exclude Dan Patterson's declaration
2 as a custodian witness.

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4 2. Attached as **Exhibit 1** is a true and correct copy of Plaintiff's initial
5 disclosures dated April 30, 2021.

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7 3. Attached as **Exhibit 2** is a true and correct copy of Patrick Fleetwood's
8 signed authorization and stipulation for obtaining records from the Records
9 Custodian for the U.S. Army ROTC dated November 16, 2021.

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11 4. Attached as **Exhibit 3** is a true and correct copy of an email dated
12 November 29, 2021, from the Office of the Attorney General to Patrick Fleetwood's
13 attorney providing a link to access the records WSU received from the U.S. Army
14 in response to Fleetwood's signed authorization and stipulation.

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16 5. Attached as **Exhibit 4** is true and correct copy of one of the pages of
17 documents WSU received back from the U.S. Army, Headquarters, Eighth Brigade,
18 United States Army Command and Joint Base Lewis-McChord, in response to
19 Fleetwood's signed authorization and stipulation for release of his ROTC records.

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21 6. Attached as **Exhibit 5** are true and correct copies of documents
22 Fleetwood submitted in response to WSU's request for production of documents
23 pertaining to all documents Plaintiff obtained from a third party relating to his
24

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26 DECLARATION OF DEBRA
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1 claims. These documents include formal complaints from ROTC cadets about
2 Fleetwood.

3
4 7. Attached as **Exhibit 6** are true and correct copies of documents
5 Fleetwood submitted in response to WSU's request for all documents in his
6 possession or control to/from the U.S. Army. These documents include Fleetwood's
7 documents from Fleetwood's disenrollment board proceedings and why Fleetwood
8 was disenrolled.
9

10 I declare under penalty of perjury under the laws of the State of Washington
11 that the foregoing is true and correct to the best of my knowledge and belief.
12

13
14 DATED this 25th day of February, 2022 at Olympia, Washington.

15 *s/ Debra Lefing*

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DEBRA LEFING, WSBA No. 53344

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26 DECLARATION OF DEBRA
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 2022, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Matthew Z. Crotty
Crotty & Son Law Firm, PLLC
905 West Riverside Avenue, Suite 404
Spokane, WA 99201
matt@crottyandson.com

DATED this 25th day of February, 2022.

ROBERT W. FERGUSON
Attorney General

s/ Debra Lefing

DEBRA LEFING, WSBA No. 53344
Assistant Attorney General
Attorney for Defendant
WASHINGTON STATE UNIVERSITY

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